

501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

“(i) PROHIBITION ON SEARCHING FOR OR SEIZING MATERIAL FROM A BOOKSELLER OR LIBRARY.—

“(1) IN GENERAL.—No application may be made under this section with either the purpose or effect of searching for, or seizing from, a bookseller or library documentary materials that contain personally identifiable information concerning a patron of a bookseller or library.

“(2) CONSTRUCTION.—Nothing in this subsection shall be construed as precluding a physical search for documentary materials referred to in paragraph (1) under other provisions of law, including under section 303.

“(3) DEFINITIONS.—In this subsection:

“(A) BOOKSELLER.—The term ‘bookseller’ means any person or entity engaged in the sale, rental or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

“(B) DOCUMENTARY MATERIALS.—The term ‘documentary materials’ means any document, tape or other communication created by a bookseller or library in connection with print or digital dissemination of a book, journal, magazine, newspaper, or other similar form of communication, including access to the Internet.

“(C) LIBRARY.—The term ‘library’ has the meaning given that term under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination or circulation.

“(D) PATRON.—The term ‘patron’ means any purchaser, renter, borrower, user or subscriber of goods or services from a library or bookseller.

“(E) PERSONALLY IDENTIFIABLE INFORMATION.—The term ‘personally identifiable information’ includes information that identifies a person as having used, requested or obtained specific reading materials or services from a bookseller or library.”

(b) NATIONAL SECURITY LETTERS.—Section 2709(f) of title 18, United States Code, is amended to read as follows:

“(f) EXCEPTION FOR LIBRARIES AND BOOKSELLERS.—

“(1) IN GENERAL.—A library or a bookseller is not a wire or electronic communication service provider for purposes of this section, regardless of whether the library or bookseller is providing electronic communication service.

“(2) DEFINITIONS.—In this subsection:

“(A) BOOKSELLER.—The term bookseller means any person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

“(B) LIBRARY.—The term library has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)).”

**SA 388.** Ms. KLOBUCHAR (for Mrs. MURRAY) proposed an amendment to the concurrent resolution S. Con. Res. 4, expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States; as follows:

In the resolving clause, insert before the period at the end the following: “and that, in

order to preserve, protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the ‘Commemorative Works Act’).”

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on May 26, 2011, at 10:15 a.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The U.S.-Korea Free Trade Agreement.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “In Our Way: Expanding the Success of Native Language & Culture-Based Education.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 26, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SPECIAL COMMITTEE ON AGING

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on May 26, 2011, from 2-4 p.m. in Dirksen 106.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be temporarily granted to Kyle Parker, a staff member of the Commission on Security and Cooperation in Europe, which I cochair, during the pendency of this colloquy in which I am engaging with Senator McCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

**NOMINATION OF DONALD B. VERRILLI, JR., TO BE SOLICITOR GENERAL OF THE UNITED STATES**

Ms. KLOBUCHAR. Mr. President, I move to proceed to executive session to consider Calendar No. 118, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The motion is agreed to.

The clerk will report the nomination. The bill clerk read the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

##### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented